IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21655 of 2004

Between:

K.Seenappa S/o.Krishnappa
Village, Thotakuma (Post), V.Kota Revenue Mandal, Chittoor.

..... PETITIONER

AND

1 The Motor Vehicle Inspector, Palamaner, Chittoor District.
2 The Station House Officer V.Kota Chittoor District.
3 The Regional Transport Authority Chittoor.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Certiorari Calling for all the connected records including the impugned vehicle check report bearing No.3016866 dt.9.11.2004 in respect of the petitioner tractor and trailer bearing No.ABC 2188 and 2187 and quash the same as illegal, improper, unjust, arbitrary and contrary to law and further direct the respondent Nos. 1 to 3 to release the petitioners tractor and trailer bearing No.ABC 2188 and 2187.

Counsel for the Petitioner: MR.K.G.KRISHNA MURTHY

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

ORAL ORDER:

The petitioner has filed this writ petition seeking a direction to the respondents to release his Tractor bearing No. ABC 2187 and Trailer bearing No.2188.

The 1st respondent seized the petitioner's vehicle under check report bearing No.3016866, dated 9.11.2004 for violation of certain irregularities and handed over it to the 2nd respondent.

The learned counsel for the petitioner has contended that the petitioner is a poor farmer and that he made a representation, dated 16.11.2004 to the 3rd respondent requesting him to release the vehicle, but the 3rd respondent refused to release the vehicle. Therefore, he prays to grant interim custody of the vehicle to the petitioner. The counsel has further contended that if any violations are made, the petitioner will be liable to pay the amount.

The learned Government Pleader for Transport has opposed the application filed by the petitioner on the ground that the petitioner has to approach the 3rd respondent-Transport authority for grant of interim custody of the vehicle and appropriate orders have to be passed by

the 3rd respondent, but the petitioner, without approaching the 3rd respondent has filed this writ petition.

As per the check report, dated 9.11.2004, the 1st respondent seized the Tractor and Trailer of the petitioner for violation of certain irregularities. Though it is asserted in the affidavit that the petitioner made a representation, dated 16.11.2004, the 3rd respondent has not taken any steps for grant of interim custody of the vehicle since the vehicle is being used for agricultural purposes. Therefore, it would be appropriate to direct the interim custody of the vehicle to the petitioner.

In the light of the above circumstances, the 3rd respondent-Regional Transport Authority is directed to release the vehicle of the petitioner for interim custody on condition that the petitioner deposits Rs.7,500/- (Rupees Seven Thousand Five Hundred Only) on the following terms and conditions.

1. *that the petitioner shall not transfer the vehicle to any other person without the permission of the 3rd respondent.*

2. *that the petitioner shall not change the engine or any part of the vehicle.*

3. *that the petitioner shall produce the vehicle as and when required by the authorities concerned.*

4. *that the petitioner shall participate in the enquiry that is going to be conducted by the 3rd respondent after receipt of show cause notice by filing his explanation.*

5. *that the tax, if any, may be adjusted out of the amount deposited by the petitioner.*

The 1st respondent may take further steps for recovery of the tax from the petitioner.

The writ petition is disposed of in terms of the above directions. There shall be no order as to costs.

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(K.C. BHANU, J.)

25th November, 2004.

To

1 The Motor Vehicle Inspector, Palamaner, Chittoor District.
2 The Station House Officer V.Kota Chittoor District.
3 The Regional Transport Authority Chittoor.

4 Two C.Cs. to the Government Pleader for Transport, High Court Buildings, Hyderabad (OUT).

5 Two C.D. copies

Note: Furnish copy by tomorrow

(B/o) bcj